



Sen. Don Harmon

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LRB094 09183 RLC 45002 a

1 AMENDMENT TO SENATE BILL 2075

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2075 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Wage Payment and Collection Act is  
5 amended by changing Section 5 as follows:

6 (820 ILCS 115/5) (from Ch. 48, par. 39m-5)

7 Sec. 5. Every employer shall pay the final compensation of  
8 separated employees in full, at the time of separation, if  
9 possible, but in no case later than the next regularly  
10 scheduled payday for such employee. Where such employee  
11 requests in writing that his final compensation be paid by  
12 check and mailed to him, the employer shall comply with this  
13 request.

14 Unless otherwise provided in a collective bargaining  
15 agreement, whenever a contract of employment or employment  
16 policy provides for paid vacations, and an employee resigns or  
17 is terminated without having taken all vacation time earned in  
18 accordance with such contract of employment or employment  
19 policy, the monetary equivalent of all earned vacation shall be  
20 paid to him or her as part of his or her final compensation at  
21 his or her final rate of pay and no employment contract or  
22 employment policy shall provide for forfeiture of earned  
23 vacation time upon separation.

24 Notwithstanding anything in this Act, an employer may

1 maintain and enforce written incentive or deferred  
2 compensation plans which provide that the incentive or deferred  
3 compensation for employees whose total compensation exceeds  
4 \$100,000 per year may be payable after separation of employment  
5 and may be subject to nonpayment under any specified terms and  
6 conditions. Wages and final compensation, other than incentive  
7 or deferred compensation, that an employee has already earned  
8 during his or her employment shall not be restricted,  
9 forfeited, or otherwise adversely affected by any written  
10 incentive or deferred compensation plan and shall be payable in  
11 accordance with this Act. An employee who is a party to a  
12 written incentive plan or deferred compensation plan shall not  
13 be precluded from filing a wage claim application with the  
14 Department.

15 (Source: P.A. 83-199.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."